

RESOLUTION NO. 2020-24

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, APPROVING A SITE PLAN FOR A ONE STORY, 20,494 SQUARE FOOT CHURCH, A ONE STORY 12,203 SQUARE FOOT GYMNASIUM, A TWO STORY 5,527 SQUARE FOOT CLASSROOM BUILDING, AND RELATED SITE IMPROVEMENTS AT 100 HARBOR DRIVE; PROVIDING FOR FINDINGS; PROVIDING FOR CONDITIONS; PROVIDING FOR RECORDING; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, pursuant to Section 30-73 of the Village of Key Biscayne ("Village") Code of Ordinances ("Code"), the Most Reverend Thomas G. Wenski, Archbishop of the Archdiocese of Miami ("Applicant") submitted a Planning and Zoning Application bearing Public Hearing No. SP-29 ("Application") seeking approval of a site plan for development at the property located at 100 Harbor Drive as more fully described in the legal description attached hereto as Exhibit "A" ("Property"); and

WHEREAS, on April 28, 2020, the Village Council conducted a duly-noticed public hearing and considered the Application in its entirety, as well as all testimony and other evidence presented and otherwise made part of the record.

NOW, THEREFORE, BE IT RESOLVED BY THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA AS FOLLOWS:

Section 1. Recitals. Each of the above-stated recitals are hereby adopted, confirmed, and incorporated herein.

Section 2. Findings. The Village Council, based upon the competent substantial evidence presented, finds that the Application is consistent with the Village's Master Plan and that the Applicant has met all of the applicable requirements within the Village's Zoning Code, and in particular Section 30-73 of the Village Code.

Section 3. Site Plan Approved. The following plans prepared by Jorge L. Hernandez Architect dated March 27, 2020, and consisting of sheets SP-1.0 through L-5, respectively, reduced copies of which are attached hereto as Exhibit "B," are hereby approved subject to the conditions in Section 4 below.

Section 4. Conditions. The approval granted by this Resolution is subject to compliance with the following conditions:

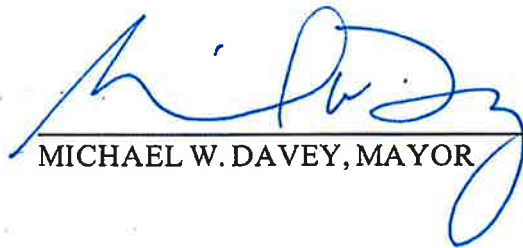
- Review and approval of the proposed traffic signal timing modifications to the intersection of Crandon Boulevard and Harbor Drive by Miami Dade County DTPW Traffic Engineering Division prior to issuance of building permits.
- Any comments from the Fire Department must be addressed at Building Permit review and plans modified accordingly.
- At permit, plans must confirm that all utilities such as air conditioning and generators are screened with a solid structure at a minimum of 12" above the top of utilities, and said structural screen is to be painted to match the main buildings. Also, these utilities are not to be located within a front yard.
- The dumpsters shall be constructed of concrete block and stucco. The building material for the gates shall only be comprised of overlapping louvred or solid metal.
- The Property contains a variety of palm trees and canopy trees. Page L2 refers to existing site trees which will be further detailed at permit. Prior to demolition, the Village shall have the opportunity to remove any trees that will not be retained on site and place them on public property. The relocation cost shall be at the expense of the developer.
- Non-material modifications of the Site Plan, which do not increase the intensity of development, and are substantially in accordance with the Site Plan, may be administratively approved by the Building, Zoning, and Planning Director. All other changes shall be approved by the Village Council after a public hearing.
- The Resolution for this Site Plan approval must be recorded with the Miami Dade County Clerk and submitted to the Village Clerk prior to approval of the Building Permit.

Section 5. Recording. This Resolution shall be recorded, prior to the issuance of a building permit, by the Applicant at its expense in the public records of Miami-Dade County,

Florida. A copy of the proof of recordation shall be submitted to the Village Clerk prior to the issuance of any building permits.

Section 6. **Effective Date.** This Resolution shall be effective immediately upon adoption.

PASSED and ADOPTED this 28th day of April, 2020.


MICHAEL W. DAVEY, MAYOR

ATTEST AND RENDERED THIS 20th DAY OF MAY 2020:


PETER J. KULPA,
INTERIM VILLAGE CLERK



APPROVED AS TO FORM AND LEGAL SUFFICIENCY:


WEISS SEROTA HELFMAN COLE & BIERMAN, P.L.
VILLAGE ATTORNEY



VILLAGE OF KEY BISCAYNE

Department of Building, Zoning, Planning and Public Works
 88 West McIntyre Street, Suite 250
 Phone (305) 365-5512
 www.keybiscayne.fl.gov

Key Biscayne, FL 33149
 Fax (305) 365-5536

PLANNING AND ZONING APPLICATION

(Application is nine pages. Please fill out completely.)

Date Filed: 2/21/20
 File #: SP 29, KV 40
 (to be completed by Staff)

1. REQUEST FOR:

- ☐ SUPERVISORY VARIANCE
- ☐ ADMINISTRATIVE VARIANCE
- ☒ REGULATORY VARIANCE
- ☐ APPEAL OF AN ADMINISTRATIVE DECISION
- ☒ SITE PLAN APPROVAL
- ☐ OTHER

- ☐ AMENDMENT TO ZONING ORDINANCE
- ☐ CONDITIONAL USE
- ☐ AMENDMENT TO THE MASTER PLAN
- ☐ ZONING DISTRICT CHANGE

Explain your request:

See attached Letter of Intent

Key Biscayne
 BUILDING DIVISION
 Page Review Only (Not for Approval)

Discipline	Reviewed by:	Date
Building		
Electrical		
Fire		
Mechanical		
Plumbing		
Public Works		
General		
Zoning		

DO NOT REMOVE VOILED SHEETS

2. Street Address of Property: 100 Harbor Drive, Key Biscayne, FL 33149
 Legal Description: Tract C Block
 Subdivision: Fourth Addition to Tropical Isle Homes Subdivision
3. Name of Applicant: The Most Reverend Thomas G. Wenski, Archbishop of the Archdiocese of Miami his successors in office, a corporation sole.
 Mailing Address of Applicant: 9401 Biscayne Blvd., Miami Shores, FL 33138
 Business Telephone: 305-762-1033 Home: Fax: 305-754-6792
 Email:
4. Name of Property Owner if Different from Applicant: N/A
 Address of Property Owner if Different from Applicant:
 Business Telephone: Home: Fax:
 Email:

EXHIBIT "A"

5. Contact Person: Name _____ Address: _____
 Telephone: _____ Fax: _____ Email: _____
6. Name/address of anyone else who should receive notice of the hearing?
Suzanne A. Dockerty, Esq. and Maura F. Jennings, Esq. at J. Patrick Fitzgerald & Associates, P.A. 110 Merrick Way,
3-B Coral Gables, FL 33134 and Jorge Hernandez, Arch. at JPH 337 Palermo Ave., Coral Gables, FL 33104
7. If applicant is owner, indicate date purchased: 11/24/1953
8. If applicant is lessee, indicate date leased N/A Years _____
9. Is there an option to purchase the property? Yes () No (X)
10. Is the request the result of a violation notice? No If yes, attach a copy of the violation.
11. Existing use of property Catholic Church and School If residential, how many apartments _____?
 Hotel units _____? If commercial, how many sq. ft. in your space _____?
 Single family home? Yes () No (X)
12. If this application pertains to an Appeal of an Administrative Decision, indicate the basis of the appeal. (If necessary attach additional explanation.)
No
13. If this is a request for a variance, the Code requires that you substantiate why this request should be granted. In order to do this properly, please indicate how your request complies with the following standards:
- a. Maintains the basic intent and purpose of the zoning, subdivision and other land use regulations, which is to protect the general welfare of the public, particularly as it affects the stability and appearance of the community.
- The Key Biscayne Zoning Code promotes planning principles that foster the making of verdant spaces with pedestrian connectivity and endorses the grouping of buildings to form spatial ensembles that face and address the right-of-way. The Code endorses that cars be screened from the right-of-way and therefore, not be the primary image visible from the street. The hallmark of our proposed plan adopts these planning principles enshrined in the Code.
- b. Is compatible with the surrounding land uses and would not be detrimental to the community.
- This request does not alter the existing land use. The St. Agnes parish has been part of Key Biscayne since 1953.
14. If this is a request for any other type of application, please see staff for a listing of the evaluation criteria.
15. All supporting data and exhibits submitted with this application become a permanent part of the public records.

SUPERVISORY VARIANCES ONLY

The Supervisory procedure requires the nearest abutting property owner to approve your request and your certification that the work was not performed by you. Your signature on this application constitutes your certification that you did not perform the work. The next step is to request the nearest property owner to sign below or provide a letter approving your request. Their signature certifies that they have read this application and approves of the request.

ABUTTING PROPERTY OWNER AFFIDAVIT

I, the undersigned, have read or have had read to me the information applicable for a request for a Supervisory Variance from the Zoning Regulations. I fully understand that by subscribing my name to the below consent form that I am waiving any objection to the proposed construction as outlined above and as shown on the plans accompanying this application. I further certify that I have subscribed my name freely and without any duress or apparent misrepresentation on the part of the applicant.

Date	Name (Type or Print)	Address	Signature
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ADMINISTRATIVE VARIANCES ONLY

The Administrative Variance procedures require all abutting property owners to approve your request. The attached map will assist you in identifying who must sign the below petition. It is suggested you meet with staff prior to circulating your petition.

ABUTTING PROPERTY OWNER AFFIDAVIT

I, the undersigned, have read or have had read to me the information applicable for a request for and Administrative Variance from the Zoning Regulations. I fully understand that by subscribing my name to the below consent form that I am waiving any objection to the proposed construction as outlined above and as shown on the plans accompanying this application. I further certify that I have subscribed my name freely and without any duress or apparent misrepresentation on the part of the applicant.

Date	Name (Type or Print)	Address	Signature
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Date	Name (Type or Print)	Address	Signature
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Date	Name (Type or Print)	Address	Signature
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UKE

02-21-20

Date	Name (Type or Print)	Address	Signature
Date	Name (Type or Print)	Address	Signature
Date	Name (Type or Print)	Address	Signature

If you need additional signatures please use the above format.

CERTIFICATION OF COMPLIANCE WITH APPLICABLE REGULATIONS

(I) (We) certify that (I) (we) understand and will comply with the provisions and regulations of the Zoning Regulations. (I) (We) further certify that the above statements and drawings made on any paper or plans submitted herewith are true to the best of (my) (our) knowledge. (I) (We) understand that the application and attachments become part of the official records of the Village and are not returnable.




Signature of Applicant:		Date	1-27-20
Signature of Owner:		Date	1-27-20
Application Received by:		Date	2/21/20
Approved by:	KK for HGF	Date	3/25/20

EXHIBIT "A"



URB

02-21-20

Owner/Power of Attorney Affidavit

I, The Most Reverend Thomas, being duly sworn, depose and say that I am the owner of the described real property and that I am aware of the nature and effect of the request for _____

Planning and Zoning Application

relative to my property, which is hereby made by me OR I am here by authorizing Suzanne A. Dockerty, Esq. and Maura F. Jennings, Esq. J. Patrick Fitzgerald & Associates, P.A. to be my legal representative before the Village Council

I, The Most Reverend Thomas, hereby authorize the staff of the Village of Key Biscayne to enter my property for the purpose of inspecting the property and posting a NOTICE OF PUBLIC HEARING on my property and I take the responsibility of removing this notice after the date of hearing. I also authorize members of the Village Council to inspect my property. I understand these inspections are necessary to permit staff and members of the Village Council to perform their responsibilities as required by the Zoning Ordinance

STATE OF FLORIDA
COUNTY OF MIAMI-DADE

[Signature]
Signature of President (Corp. Seal)

Sworn to (or affirmed) and subscribed before me this
21 day of January, 2020, by The Most Reverend Thomas

Name of person making statement

Kathleen M. Bost
Signature of Notary Public - State of Florida

Kathleen M. Bost
Print, Type, or Stamp Commissioned Name of Notary Public



Personally Known ☒ OR Produced Identification
Type of Identification Produced _____

¹ G. Wenski, Archbishop of the Archdiocese of Miami, has successors in office, a corporation sole.

EXHIBIT "A"